

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of  
  
Broadcast Localism

)  
)  
)  
)

MB Docket No. 04-233

**REPLY COMMENTS OF TELEVICENTRO OF PUERTO RICO, LLC**

Margaret L. Tobey  
Cristina C. Pauzé  
Morrison & Foerster, LLP  
2000 Pennsylvania Avenue, NW  
Suite 5500  
Washington, DC 20006  
202-887-6935

January 3, 2005

## TABLE OF CONTENTS

|      |   |    |
|------|---|----|
| I.   | INTRODUCTION AND SUMMARY .....  | 2  |
| II.  | BROADCASTERS HAVE A COMPETITIVE INCENTIVE TO SERVE LOCAL<br>NEEDS AND INTERESTS BY PRODUCING LOCAL NEWS<br>AND PROGRAMMING..... | 4  |
| A.   | Market Forces Encourage Broadcasters to Air Community-Responsive<br>Programming.....  | 4  |
| B.   | WAPA's Local News and Public Affairs Programming Provides Extensive<br>Coverage of Local Events and Issues.....                 | 5  |
| C.   | WAPA's Coverage of Weather Conditions Provides Critical Information<br>to Local Residents .....                                 | 6  |
| D.   | WAPA's Local Entertainment Programming Addresses Areas of<br>Local Interest.....  | 7  |
| E.   | WAPA's Public Service Announcements Serve the Community .....   | 8  |
| III. | IT IS UNNECESARY FOR THE COMMISSION TO ADOPT NEW RULES TO<br>REGULATE LOCALISM IN BROADCAST TELEVISION.....                     | 9  |
| IV.  | THE FCC SHOULD CREDIT THE COMMUNITY SERVICE ACTIVITIES OF<br>STATIONS AND THEIR STAFF AS SERVING THE GOALS OF LOCALISM.....     | 11 |
| V.   | CONCLUSION .....  | 13 |

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of  
  
Broadcast Localism

)  
)  
)  
)

MB Docket No. 04-233

**REPLY COMMENTS OF TELEVICENTRO OF PUERTO RICO, LLC**

Televiscentro of Puerto Rico, LLC (“Televiscentro”) submits these reply comments in response to the Notice of Inquiry released July 1, 2004 (FCC 04-129) in the above-captioned proceeding (“NOI”). The NOI seeks comment on how broadcasters are serving the interests and needs of their communities and whether the Commission needs to adopt new policies, practices or rules to promote localism in broadcasting. The comments filed overwhelmingly demonstrate that there is no need for further regulation of broadcast localism. The record provides limitless examples of the local programming and community service of broadcasters, large and small, which benefit both the community of license and the business of broadcasting.<sup>1</sup> Televiscentro agrees with these commenters that market forces and the Commission’s existing rules are sufficient to motivate television broadcast stations to serve the interests and needs of their communities of license. Further regulation by the FCC to promote localism is unwarranted.

---

<sup>1</sup> See, e.g., Comments of the National Association of Broadcasters, MM Docket 04-233 (Nov. 1, 2004); Comments of Viacom Television Stations Group, MM Docket 04-233 (Nov. 1, 2004); Comments of Univision Communications Inc., MM Docket 04-233 (Nov. 1, 2004); Comments of the Community Broadcasters Association, MM Docket 04-233 (Nov. 1, 2004); Joint Comments of the Arizona Broadcasters Association, the Kentucky Broadcasters Association, and the Montana Broadcasters Association, MM Docket 04-233 (Nov. 1, 2004). Televiscentro’s corporate parent, LIN Television Corporation, which operates 25 stations in markets from the 25<sup>th</sup> to the 106<sup>th</sup> ranked Nielsen DMAs, filed with a group of broadcasters. See Comments of Joint Broadcasters, MM Docket 04-233 (Nov. 1, 2004).

## I. INTRODUCTION AND SUMMARY

Televiscentro is the licensee of WAPA-TV (“WAPA” or the “Station”), San Juan, Puerto Rico, as well as two satellite stations on the island.<sup>2</sup> Puerto Rico is a geographically small and highly competitive broadcast market, as the Commission has repeatedly recognized in its licensing and regulation of television stations located in Puerto Rico.<sup>3</sup> WAPA’s primary competitors are WKAQ-TV, a station owned and operated by Telemundo of Puerto Rico also licensed to San Juan, and WLII, a Univision affiliate licensed to nearby Caguas, which is soon to be owned by Univision.<sup>4</sup> Both WKAQ-TV and WLII are owned by or affiliated with large companies with long histories in Spanish-language programming and exclusive access to the best of that programming. WAPA, as an independent station, is the only one of the leading Puerto Rico stations that does not receive a full schedule of programming from a network organization. WAPA competes with these stations for viewers primarily by producing the majority of its own programming.

WAPA produces more local programming than virtually any other television broadcast station in the U.S., including a full schedule of local news, weather and public affairs programming and a varied slate of entertainment programming. The Station maintains a very large studio in the San Juan suburb of Guaynabo, which is equipped with a number of

---

<sup>2</sup> WTIN, a Televiscentro station licensed to Ponce, Puerto Rico, and WNJX-TV, licensed to Mayaguez, operate as satellites of WAPA.

<sup>3</sup> See *Applications of Paxson Communications of San Juan, Inc. (Transferor) and LIN Television Corp. (Transferee)*, 16 FCC Rcd 14139, 14142-44 (2001); *Applications of T. Michael Whitney (Transferor) and LIN Television of San Juan, Inc. (Transferee)*, 16 FCC Rcd 2297, 2298-99 (MMB 2001); see also *Applications of JEM Communications, Inc., (Assignor) and Interstate General Properties Limited Partnership, S.E. (Assignee)*, 9 FCC Rcd 4874, 4875 (1994); *Applications of Canal 48, Inc. (Assignor) and International Broadcasting Corp. (Assignee)*, 8 FCC Rcd 2193, 2194 (1993); *Applications of Hector Nicolau and International Broadcasting Corp.*, 5 FCC Rcd 6370, 6370 (1990); *Seglares Iglesia Catolica, Inc.*, 2 FCC Rcd 7539 (1987).

<sup>4</sup> See John M. Higgins, *Univision Adds Two Stations*, *Broadcasting and Cable TV*, Dec. 28, 2004.

production stages. Remarkably, of the 24 hours of programming aired during a typical weekday, 15 hours represent programming produced by WAPA in its own studios, of which 9.5 hours consist of news programs.

WAPA's programming challenge is also its programming opportunity. By serving the particular needs of local viewers through its programming, WAPA distinguishes itself among competing channels in the market. By relying principally on local production, WAPA has been able to develop a unique blend of locally oriented and very topical programs, including news, investigative reporting, talk, comedy, satire, variety and other entertainment programs that are very popular with the Station's viewers. Because many of these programs are unscripted, broadcast on the same day they are produced and focused on timely topics of local interest, they exhibit a spontaneity and local flavor that are lacking in network and syndicated programming.

Through the Station's efforts to deliver news and entertainment programming, as well as emergency information that serves the needs and interests of the local community, WAPA and its employees have become an integral part of the community, not only in San Juan, WAPA's community of license, but also on the rest of the island. Televiscentro can attest that market forces and the Commission's existing requirements provide ample incentive for broadcast stations to meet the needs and interests of their local viewing public. Further regulation in this area is unnecessary and would hamper, rather than help, the ability of broadcasters to respond to their communities.

## **II. BROADCASTERS HAVE A COMPETITIVE INCENTIVE TO SERVE LOCAL NEEDS AND INTERESTS BY PRODUCING LOCAL NEWS AND PROGRAMMING**

### **A. Market Forces Encourage Broadcasters to Air Community-Responsive Programming**

In Puerto Rico's highly competitive broadcast market, WAPA and the island's other leading stations compete vigorously for advertising dollars. Advertisers view Puerto Rico as a single market and, accordingly, expect to reach the entire island when purchasing advertising time from the Station.<sup>5</sup> As a result, advertisers are drawn to the Station's unique line-up of locally oriented and topical programs. For example, Goya, the well-known producer of Hispanic and Caribbean food products, consistently buys advertising time during local programs that address issues facing Puerto Rico. Island Finance and Ferreterias Massó, among others, have requested that their ads be aired during a program segment about housing for needy families.

To remain competitive with its network-owned and/or affiliated competitors, the Station gathers information from the community to determine what types of local programming to air. In addition to measuring the daily television audience of its programs, WAPA engages a consulting group to conduct an annual island-wide study to determine the preferences and concerns of viewers. The Station conducts focus group research to test potential concepts and programs. WAPA employees review viewer mail for suggestions and topics of interest. Also,

---

<sup>5</sup> Providing service to the Western half of Puerto Rico and the major cities in that part of the island, Mayaguez and Aguadilla, is one of the most difficult technical challenges facing television broadcast stations in San Juan. Historically, the primary San Juan-area stations have attempted to meet this challenge by entering into rebroadcast agreements with the two commercial VHF stations licensed to Mayaguez (WORA, Channel 5) and Aguadilla (WOLE, Channel 12). Unfortunately, because there are *three* primary San Juan-area stations and only *two* commercial VHF stations licensed to the west coast cities, the relationships among the stations have, over time, resembled a game of musical chairs in which one San Juan station is inevitably left without a VHF partner on the west coast. In recent years, WAPA has been the clear loser in this game – it had been without a west coast partner since 1994 and was operating at a severe competitive disadvantage vis-à-vis the other San Juan stations. To remedy this situation, Televiscentro and its parent company, LIN Television Corp., have made a substantial investment in acquiring and upgrading the less desirable UHF stations to serve as satellites of WAPA, a slow and costly process that is still underway.

the Station's employees participate in several community initiatives, such as programs addressing violence in schools and health and environmental issues, through which those employees keep in touch with members of the community.

**B. WAPA's Local News and Public Affairs Programming Provides Extensive Coverage of Local Events and Issues**

Local newscasts comprise a substantial percentage of WAPA's local programming. Each weekday, WAPA airs 9.5 hours of local news programs, all produced by the Station. The Station airs its weekday newscasts at 5:00 AM to 9:00 AM, 11:00 AM to 11:30 AM, 4:00 PM to 6:00 PM and 10:00 PM to 11:00 PM. WAPA also airs reruns of its weekday newscasts daily at 12:00 AM to 1:00 AM and 1:00 AM to 2:00 AM. On weekends, WAPA airs 5.5 hours of locally produced news, including wrap-ups of the news of the week and reruns.

WAPA has made a tremendous investment in local news programming. The Station employs 94 reporters, producers, newscasters and technical staff for its news programs. Beyond tracking breaking news stories, this professional staff gauges issues of interest to the community so that WAPA's news is relevant and timely for its viewers. As noted above, the Station determines the issues of interest to the community, in part, through the results of the research study completed annually by outside consultants. Also, each of WAPA's newscasts includes a segment called "Para Que Conste," which presents stories about community problems that are reported to a Station "hotline" by area residents. Additionally, WAPA's daily newscasts contain two segments dedicated to local consumer and health issues, including health and safety hazards, drinking and driving, domestic abuse and other issues. WAPA's news programs compete vigorously with those of the other top-rated stations in Puerto Rico, particularly its principal

rivals, WKAQ-TV and WLII, and these locally focused segments both strengthen WAPA as a competitor and directly benefit the viewing public.

WAPA also produces locally programs devoted to local public affairs, local politics, community activities and similar issues. “Ojeda” features in-depth investigative reporting focused on local issues and current events by Luis Francisco Ojeda, Puerto Rico’s most popular broadcast journalist. WAPA airs “Ojeda” on Sunday nights from 9:00 PM to 10:00 PM. Mr. Ojeda also appears on “Mediodia Puerto Rico,” in which he comments on issues affecting the island. “Mete Mano,” a live talk show program that airs on Friday nights from 9:00 PM to 10:00 PM, covers human interest stories and highlights local community issues and government services. In San Juan, the Station organized and produced “el Dia Nacional de Mete Mano” in which WAPA employees interviewed community members about certain problems and located the appropriate government agency or organization that could help solve these problems. “De Magazin” is an unscripted talk show that covers current events, lifestyles, fashion and cooking, among other subjects. It airs twice daily on weekdays, at 9:00 AM to 10:00 AM, with a rerun at 2:00 AM to 3:00 AM. The local focus of each of these programs reflects the importance that WAPA attaches to meeting the specific needs and interests of its local audience.

**C. WAPA’s Coverage of Weather Conditions Provides Critical Information to Local Residents**

During national or weather-related emergency situations, viewers depend on their local stations to bring them up-to-the-minute information. WAPA provides critical weather information to residents of the island, particularly during Puerto Rico’s hurricane season. WAPA also has one of the most capable weather teams in the market. The Station has made substantial investments in the latest weather technology equipment, including a Super Doppler



and a 3-D Satellite Imaging System. In addition, the use of sophisticated computer programs for forecasts and graphics is a priority for the Station. As a result, WAPA provides more live, accurate and reliable weather reports on its news broadcasts than any other newscast in Puerto Rico. WAPA also is the only station in Puerto Rico that has its own helicopter, which is fully equipped with zoom cameras and other technology, to cover weather and other emergency developments. This year, WAPA launched a 24-hour, 7-day-a-week local weather station that airs on one of its digital channels.

This summer and fall, WAPA provided extended coverage of the several hurricanes and tropical storms that swept through the island. During Tropical Storm Jeanne, for example, WAPA produced thorough, continuous new coverage of weather conditions. Its coverage included live news and live feeds and announcements from the local office of the National Oceanic and Atmospheric Administration and State Emergency Office. In addition, four mobile units covered the storm live from different locations within the community.

**D. WAPA's Local Entertainment Programming Addresses Areas of Local Interest**

Of the 24 hours of programming aired during a typical weekday, 5.5 hours consists of talk, comedy, satire, variety and other entertainment programs that showcase local talent and are aimed towards the interests of segments of the local community. "Mediodia Puerto Rico," which airs for 90 minutes each weekday, is a variety program that includes musical guests, comedy skits, cooking segments and commentary on local news and events. The show is hosted by local stars and visited by local celebrities and personalities. "Super Xclusivo," a unique local gossip show, is Puerto Rico's most beloved "guilty pleasure." The program, which airs from 6:00 PM to 7:00 PM each weekday, presents the inside scoop on artists and the world of entertainment.

During the 9:00 PM to 10:00 PM time slot on weekdays, WAPA airs several comedies – “Zumbate,” which is a reality show that blends “Candid Camera” and “Spy TV”; “El Show de Raymond,” a young, hip program hosted by local comedian Raymond Arrieta that features stand-up comics, skits and musical guests; “El Condominio,” a comedy about everyday situations between neighbors, a landlord and doorman in a condominium building; and “Club Sunshine,” a nightclub-style variety program hosted by Puerto Rico’s most respected stand-up comedian and producer, Sunshine Logrono. On Sunday evenings from 8:00 PM to 9:00 PM, WAPA airs “Tira Y Jala,” a political satire program featuring comedy skits that is best known for its “Weekend Update”-style news segment. These shows are targeted towards a broad base of the Puerto Rico adult population. All of these programs are produced by WAPA.

WAPA’s entertainment programming also includes coverage of local events. “Super Estrellas de la Lucha Libre” features local sports events such as wrestling matches and airs on Saturdays and Sundays from 11:00 AM to 1:00 PM. WAPA also broadcasts local events, such as “La Carrera 10k del Puente Moscoso,” a marathon which has gained worldwide recognition and in which over 10,000 people participate; and “La Feria Bacardi,” an event featuring local artisans, music groups and cultural groups that is attended by over 100,000 people. WAPA also airs local specials recorded from public events such as “La Ciudad Encantada” and “Navidad Criolla,” the Christmas festivities in the municipalities of Guaynabo and Caguas.

#### **E. WAPA’s Public Service Announcements Serve the Community**

As a local broadcaster, WAPA is an important source of information about issues regarding the health and welfare of the local community. WAPA airs public service announcements for local groups, such as the Alianza para un Puerto Rico sin Drogas, an organization in Puerto Rico that is similar to Partnership for a Drug-Free America, and the Ricky

Martin Foundation, which produces spots on child abuse prevention. The Station also gives away free spots to organizations that address issues such as cancer prevention, domestic violence and drinking in moderation. In addition, WAPA has produced and aired campaigns for the “Hospital del Niño and Asociación del Pulmón” Christmas Seals Campaigns. Recently, WAPA participated in a project called “Navidad Boricua” by airing a special program and spots for the sale of a CD from which all revenues are donated to four local nonprofit organizations dedicated to needy children.

To address unemployment issues within the community, the Station began coordinating with community organizations in 2004 to develop a “Job Connection” on-air segment that serves as a bulletin board for job openings in the community, including those at the Station. In early October, 2004, “Job Connection” began airing on all Televiscentro stations on a weekly basis during the early morning newscast. The information on job opportunities is supplied by Puerto Rico’s Department of Labor and various private employment agencies.

### **III. IT IS UNNECESSARY FOR THE COMMISSION TO ADOPT NEW RULES TO REGULATE LOCALISM IN BROADCAST TELEVISION**

To compete in the Puerto Rico broadcast market, WAPA must be, and is, committed to listening to its viewers and serving their needs. The Station has a long and substantial record of fulfilling that commitment. Because market forces provide sufficient incentives for broadcasters to air local programming, it is unnecessary for the Commission to impose further regulations in this area. The Commission should continue to rely on market forces and its current requirements to encourage broadcast stations to air programming that is responsive to the unique circumstances present in their communities. Existing regulations regarding a broadcast station’s

main studio, local public inspection file and renewal applications, for example, are sufficient to maintain a system of local broadcasting.

An attempt by the Commission to prescribe a quantity or quality of local programming would serve only to obstruct the efforts of broadcasters to tailor local news and programming to the needs and interests of their communities of license and to their station's resources. The issues that the FCC would have to address to develop such rules are issues that should be decided by local stations. For example, in the NOI the Commission seeks comment on what would qualify as "local" programming – programming that is produced locally, originated locally, or oriented towards local issues?<sup>6</sup> WAPA airs all of these types of programming. In addition, in September 2004, WAPA launched "WAPA America," a channel airing WAPA programming and carried on DirecTV systems in the U.S. to serve the interests of Puerto Ricans who have left the island or live there only part-time. This programming is certainly "local" to Puerto Ricans living on the mainland who seek to stay connected to the island. For example, because the new service launched during the hurricane season and because WAPA provided extensive hurricane coverage (as noted above), many Puerto Ricans living on the mainland were able to track the storms and, more importantly, learn whether their hometowns on the island had been affected.

As posed in the NOI, what type of local programming then best serves a particular community of license?<sup>7</sup> To state the obvious, each community has unique characteristics and interests. The FCC's overarching goal of fostering localism by local broadcasters is premised on that uniqueness. Conceiving one-size-fits-all regulations to govern how a local station

---

<sup>6</sup> NOI, ¶ 14.

<sup>7</sup> *Id.*

determines and meets local needs will only impede the ability of a local station to manage its resources in order to be responsive to its community. Local broadcast stations are in a far better position than the Commission to assess and respond to the needs and desires of their audiences for local programming.

#### **IV. THE FCC SHOULD CREDIT THE COMMUNITY SERVICE ACTIVITIES OF STATIONS AND THEIR STAFF AS SERVING THE GOALS OF LOCALISM**

The Station and its employees also have nurtured strong ties to the many communities served by WAPA by actively engaging in community outreach efforts and charitable campaigns throughout Puerto Rico. WAPA and its employees actively participate in community activities for local charities. WAPA's vice president of programming is a board member of Alianza Para un Puerto Rico Sin Drogas and presides over the Media Committee of the organization. In the past year, the Station (1) promoted and sponsored the "Relevo por la Vida" tour, which was organized by the Cancer Association to collect funds and provide information about cancer prevention; (2) donated comedy programs to the Cardiovascular Hospital for an experimental program that uses laughter as medicine for cardiac patients; and (3) aired a public announcement campaign for the Children's Hospital while Station talent participated in a fund raiser.

Local educational programs also benefit from the volunteer efforts of WAPA employees. Several reporters from the Station have made school visits to speak to students about their profession and the broadcast industry. In the past year, reporters have visited more than 10 schools and universities, including the Universidad de Puerto Rico, Universidad del Sagrado Corazon, Colegio San Ignacio, Universidad Interamericana de Bayamon and the Academia Santa Teresita. For the past five years, WAPA has hosted the annual Congress of Future Leaders, which convenes approximately 100 high school students who are selected from over 1,000

candidates based on their academic achievements. The Station's president, Joe Ramos, is one of the speakers at this half-day activity, which takes place at WAPA's offices. WAPA also participates in a youth program called "Mi Escuela Amiga," through which Station employees, including reporters, pilots and artists, visit schools and give motivational speeches to students in the Coamo municipality.

As shown above, WAPA's contribution to the local community is not limited to its on-air programming. Participation by the Station and its employees in charitable and educational community activities benefit WAPA's community of license and put Station personnel in touch with local residents. Such efforts contribute to the Station's mission of serving its local community and accordingly should be fully credited when the Commission reviews a station's renewal application.

## **V. CONCLUSION**

The examples cited in these comments provide a snapshot of the programs and activities produced and sponsored by WAPA over the years to serve the particular needs and interest of its Puerto Rico viewers. The breadth of the Station's activities demonstrates how WAPA, as a long-term resident of its community, has tailored its programming and services, both on-air and off, to meet community demands. The residents of Puerto Rico have responded to WAPA's efforts by depending on the Station as a primary source of local news, information and entertainment and making the Station one of the highest ranked television outlets in its market. WAPA should be allowed to continue meeting the needs of the local community in the manner and through the activities it deems appropriate. The Commission should refrain from further regulation of broadcast localism and provide local broadcasters like WAPA the flexibility to do what they do best – provide service to their communities.

Respectfully submitted,

**TELEVICENTRO OF PUERTO RICO,  
LLC**

By: /s/ Cristina C. Pauzé  
Margaret L. Tobey  
Cristina C. Pauzé  
Morrison & Foerster, LLP  
2000 Pennsylvania Avenue, NW  
Suite 5500  
Washington, DC 20006  
202-887-6935

January 3, 2005